

## **REMARKS**

Claims 1-4, 6, 8, 9 and 11-15 have been amended. Claims 1-15 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Information Disclosure Statement:**

The Examiner notes that one of the references listed in the previously submitted IDS was not found. According to Applicants' records, this reference was properly submitted with the IDS filed May 8, 2006. According to the entry in the image file wrapper for this IDS, the submission was damaged by the U.S. Postal Service. Applicants assume that this is why reference A1 was not located by the Examiner. Another copy of the reference and form PTO-1449 are included herewith for the Examiner's convenience. The Examiner is requested to consider the reference and return a signed, dated and initialed copy of the form PTO-1449 indicating that the reference has been considered.

### **Declaration:**

The Examiner objected to the Declaration in regard to changes on the original Declaration that were not properly initialed and/or dated. Applicants are in the process of obtaining a Supplemental Declaration to address this issue and plan to file the Supplemental Declaration as soon as possible.

### **Section 101 Rejection:**

The Examiner rejected claims 4, 9 and 11-15 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection. However, in order to expedite prosecution, these claims have been amended. Withdrawal of the § 101 rejection is respectfully requested.

### **Section 112, Second Paragraph, Rejection:**

The Examiner rejected claims 2-5, 8, 9 and 12-15 under 35 U.S.C. § 112, second paragraph, as indefinite. The claims have been amended to address the issues noted by the Examiner. Withdrawal of this rejection is respectfully requested.

### **Section 102(e) Rejection:**

The Examiner rejected claims 1, 2, 5-7, 10-12 and 15 under 35 U.S.C. § 102(c) as being anticipated by Fanshier et al. (U.S. Patent 7,206,817) (hereinafter “Fanshier”). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 1, the cited art of Fanshier does not disclose compiling the files into an application on an administration server, wherein the administration server is coupled to a central application repository; storing the application in the central application repository; and after successfully compiling the application on the administration server, deploying the application from the central application repository onto a plurality of servers in a cluster of servers. According to Fanshier, a slave deployer for each sever pulls the application archive file or directory, explodes the application from the archive file, and attempts to load the application. Fanshier, col. 2, lines 1-11. Fanshier specifically does not teach that the application is first compiled on an administration server before the application is deployed to the plurality of servers in the cluster. Nor does Fanshier teach that, after the application has been successfully compiled on the administration server, the application is deployed from the central application repository to the plurality of servers in the cluster. To the contrary, Fanshier teaches the use of a separate staging area 110, 118 from which the application is deployed for each server. Thus, claim 1 is clearly not anticipated by Fanshier.

Independent claims 6 and 11 include limitations similar to claim 1, and so the arguments presented above apply with equal force to these claims, as well.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-68600/RCK.

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. #39,255  
Attorney for Applicants

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: December 18, 2007